

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MASS ENGINEERED DESIGN, INC.

vs.

**SPACECO BUSINESS SOLUTIONS,
INC., *et al.***

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**CASE NO. 6:14CV411
LEAD CASE**

ORDER

On October 8, 2015, Plaintiff filed a Motion to Strike Improper Prior Art Arguments and References, and Section 112 Arguments in the Report of Defendant Planar's Expert Made in Violation of P.R. 3-3 and in Violation of the Court's General Order Limiting Final Prior Art and Motion to Retain Venue Until These Issues are Ruled Upon and Motion for Expedited Briefing Schedule and Request for Oral Hearing Prior to Plaintiff's Responsive Expert Report Which is Due on October 28, 2015 (ECF 133). The Court ordered Defendant to submit a response no later than October 20, 2015 and set the matter for a hearing on October 27, 2015.

Rather than submit a response to the motion arguing that the matter should not be resolved in this Court due to the transfer of the case set to take effect when the Court enters its claim construction opinion,¹ Defendant Planar Systems, Inc. filed an Emergency Motion for Temporary Emergency Stay and Expedited Briefing and Hearing Schedule (ECF 142). In its motion, Defendant threatens to file an emergency motion for a stay with the Federal Circuit if this Court does not grant a temporary emergency stay by October 19, 2015.

¹ See Order filed March 24, 2015, ECF 24.

Defendant's motion mistakenly assumes that the mere fact that the Court set the motion for a hearing somehow precludes it from asserting, or the Court from considering, whether any action should be taken on the requested relief in light of the procedural posture of this case. Defendant argues that it is being prejudiced by the Docket Control Order deadlines entered in this case despite the Order conditionally granting a transfer, yet the first time it raises the issue is in this emergency motion threatening to file an emergency motion to stay in the Federal Circuit. The issue could and should have been raised prior to the present motion. Nevertheless, it is

ORDERED that the Emergency Motion for Temporary Emergency Stay (ECF 142) is **GRANTED**. The deadlines in this case as to Defendant Planar Systems, Inc. are **STAYED** pending entry of the Court's claim construction opinion. The hearing set on Plaintiff's motion is **CANCELED**.

So ORDERED and SIGNED this 19th day of October, 2015.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE